

F.C.A. §§ 430, 446, 453-460, 550, 551, 655, 656
740, 759, 780, 828, 842, 842-a, 846, 846-a, 1029
1056, 1072

General Form 8
(Petition- Violation of
Order of Protection)

1/2001

ORIGINAL

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----x
In the Matter of a Proceeding under Article 8
of the Family Court Act

FU #23006

Docket # 0 - 2187-06/06 B

LINDA J. CURLEY,

Petitioner,

PETITION

(Violation of Order
of Protection)

-against-

JAMES CURLEY,

Respondent.

-----x
TO THE FAMILY COURT:

The undersigned Petitioner respectfully shows that [delete inapplicable provisions]:

1. Respondent is JAMES CURLEY, who resides at 14 Madison Hill Road, Suffern, New York 10901.

2. By Order of this Court, dated October 5, 2006, the Respondent was directed to observe the following conditions of behavior: Refrain from assault, stalking, harassment, menacing, reckless endangerment, disorderly conduct, intimidation, threats or any criminal offense against Linda Curley (d/o/b: 7/23/1968).

3. Upon information and belief Respondent has willfully failed to obey the Order of this Court in that: Respondent took or caused to be taken photographs of the petitioner and the children on unknown dates. These photographs were exhibited to Eric Ole Thorsen, Esq., attorney for petitioner, and Christopher Widholm, Esq., law guardian, immediately after court on October 5, 2006. They consisted of 24 pictures depicting petitioner and the children getting into or out of a car, and at least one picture of a second car, which is the petitioner's car. The petitioner also saw the photographs and felt intimidated, harassed, and stalked.

That on October 10, 2006, petitioner received a telephone call from the Emerson, New Jersey Police Department, advising her that a tracking device had been found with petitioner's vehicle, which was being repaired at a Mahwah auto body shop. The tracking device had fallen off of the petitioner's vehicle during a crash on September, 2006. The respondent had been seen over a 2-day period repeatedly driving his car past

10/5/06
PICKUP
DEC 12/06
3/2/07

FILED OCT 26 A 10:00
CLERK OF THE COURT
FAMILY COURT
COUNTY OF ROCKLAND
NEW YORK

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the repair shop on a dead-end street. The repair shop owner approached the respondent on the second day and respondent stated he wanted an estimate on his car. Respondent gave a false name, address and phone number, but the shop owner had as part of his estimate taken down respondent's VIN # and license plate number. The shop owner then called the Emerson police as he was suspicious of the respondent. The tracking device was turned over to a friend of the respondent's. The respondent's friend has been receiving the tracking information and paying the tracking charges. The petitioner has been made to feel harassed, stalked and intimidated, and is afraid to leave her house.

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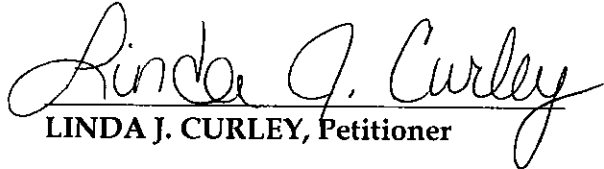
4. The following children are the subjects of the proceeding resulting in the issuance of the Order alleged to have been violated:

<u>Name</u>	<u>Date of Birth</u>	<u>Social Security #</u>
Courtney Lynn Curley	4/7/02	
James Thomas Curley	8/2/05	

5. No previous application has been made to any court of judge for the relief herein requested except: See F.U. No. 23006

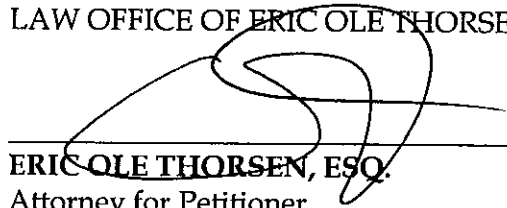
WHEREFORE, Petitioner requests that Respondent be dealt with, in accordance with Section 8 of the Family Court Act.

Dated: October 19, 2006


LINDA J. CURLEY, Petitioner

LAW OFFICE OF ERIC OLE THORSEN

By:

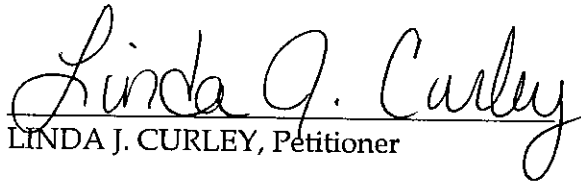

ERIC OLE THORSEN, ESQ.
Attorney for Petitioner
5 South Little Tor Road
New City, New York 10956
(845) 638-2726

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VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

LINDA J. CURLEY, above named Petitioner, being duly sworn, deposes and says: I am the Petitioner in the within action; that I have read and know the contents of the foregoing Petition; that the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, I believe it to be true.


LINDA J. CURLEY, Petitioner

Sworn to before me this
19 day of October, 2006.

Notary Public



F.C.A §§ 430, 550, 655, 828, 1029

ORI No: NY043023J

Order No: 2006-000623

NYSID No: _____

At a term of the Family Court of the State of New York,
held in and for the County of Rockland, at 1 South Main
St. Suite 300 Floor 3, New City, NY 10956, on October
05, 2006

PRESENT: Honorable William P. Warren

In the Matter of a FAMILY OFFENSE Proceeding

File # 23006
Docket# O-02187-06

Linda Curley (DOB: 07/23/1968),
Petitioner,

- against -

James Curley (DOB: 04/26/1964),
Respondent.

Temporary Order Of Protection

Both parties present in court

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CRIMINAL CONTEMPT, AND/OR MAY SUBJECT YOU TO FAMILY COURT PROSECUTION AND INCARCERATION FOR UP TO SIX MONTHS FOR CONTEMPT OF COURT. IF YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND CONTINUE IN EFFECT UNTIL YOU APPEAR IN COURT.

A petition under Article 8 of the Family Court Act, having been filed on July 19, 2006 in this Court and good cause having been shown,

Now, therefore, it is hereby ordered that James Curley (DOB: 04/26/1964) observe the following conditions of behavior:

- [02] Refrain from assault, stalking, harassment, menacing, reckless endangerment, disorderly conduct, intimidation, threats or any criminal offense against Linda Curley (DOB: 07/23/1968);
- [99] Observe such other condition(s) as are necessary to further the purposes of protection: Respondent shall refrain from the use of alcoholic beverages/illegal drugs at the petitioner's residence and respondent shall not be present at the petitioner's residence under the influence of alcoholic beverages/illegal drugs. Respondent shall have no alcoholic beverages in the home;

Oct-11-2006 03:39pm From:SKIN LASER & SURGERY SPECIALISTS

201 358 3570

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Docket No: O-02187-06
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It is further ordered that this Temporary Order Of Protection shall remain in effect up to and including December 15, 2006;

Dated: October 05, 2006

ENTER



Honorable William P. Warren

The Family Court Act provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize, and in some situations may require, such officer to arrest a person who is alleged to have violated its terms and to bring him or her before the court to face whatever penalties may be imposed therefor.

Federal law provides that this order must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if it is established that the person against whom the order is sought has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 U.S.C. §§2265, 2266).

It is a federal offense to: cross state lines to violate an order of protection; cross state lines to engage in stalking, harassment or domestic violence against an intimate partner or family member; possess, purchase, ship, transfer or receive a handgun, rifle, shotgun, or other firearm or ammunition following a conviction of a domestic violence misdemeanor involving the use or attempted use of physical force or a deadly weapon; or (except for military or law enforcement officers while on duty) possess, purchase, ship, transfer or receive a handgun, rifle, shotgun or other firearm or ammunition while an order of protection, issued after notice and an opportunity to be heard, that protects an intimate partner against assault, harassment, threatening and/or stalking, remains in effect (18 U.S.C. §§922(g)(8), 922(g)(9), 2261, 2261A, 2262).

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE LAW GUARDIAN UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Check applicable box:

- ☐ Personal service executed [specify date(s)]: _____
- ☐ Order mailed on [specify date(s) and to whom mailed]: _____
- ☐ Order received in court on [specify date(s) and to whom given]: _____
- ☐ Warrant issued for Respondent [specify date]: _____

NOTICE OF ENTRY
PLEASE TAKE NOTICE that
the within is a true copy of the
order entered in the office of
the Clerk of the Family Court of
the State of New York in the
County of ROCKLAND.
DATE
OF
ENTRY 10/5/06

Clerk of the Court